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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/661,252   | 09/12/2003  | Virgil Allen Watson  | P05817US0           | 8706             |
| 22885  | 7590        | 02/23/2004           | EXAMINER            |                  |
| MCKEE, VOORHEES & SEASE, P.L.C.<br>801 GRAND AVENUE<br>SUITE 3200<br>DES MOINES, IA 50309-2721 |             |                      | WALTON, GEORGE L    |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3753                |                  |

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/661,252

Applicant(s)

WATSON ET AL.

Examiner

George L. Walton

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-19 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/20/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 7-17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Christiansen. Noting particularly to figure 2. The actuator and cam are readable on elements 8 and 16, respectively. Element 12 is readable on the retainer. The applicant attention is directed to column 3, lines 12-24, which teaches pressurized fluid biasing the ball valve 11 to its closed position. In addition, spring element 12 can aid in the closing of the ball valve 11. See figure 3, which teaches utilizing only the fluid pressure to close the valve member 11. Therefore, only pressurized fluid could be utilized to bias the ball valve 11 to its closed position, if desired. The valve body is readable on elements 2, 5, 7, 8' and 9. The loose actuator pin is readable on elements 8 and 10. Float 14 and cam 15 are pivoted or journaled about bearing pin 17 within the gas chamber of tank 1. The axial channel 3 is readable on the gas conduit with a conduit inlet disposed above (not shown) and the conduit outlet is readable on the opening below the valve seat 13 that element 10 passes through.

Claims 1, 7, and 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by either one of Browning or Brown. In the patent to Browning, the cam and pin actuator are readable on elements 22, 23, 25, 29 and 36, and element 19, respectively. Note that the cam elements will

touch the actuator pin or stem 19 in the open and closed positions of the valve member 18. In the patent to Brown, the cam and pin actuator are readable on elements, 50, 53 and 60, and elements 42 and 43, respectively. Note that the cam elements will touch the actuator pin or stem 42 and 43 in the open and closed positions of the valve member 41.

Claims 1-3, 6, and 10-19 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Da Costa. The float 13 touches the ball valve member in all positions. Note that it is apparent that the fluid pressure closes the valve member 8 on its valve seat 17. Also, the spring 18 aids in closing the valve member 8 on its valve seat 17. Element 20 is readable on the retainer with a cavity or recess 22. In the alternative, it is obvious to one of ordinary skill in the art, at the time the invention was made, to utilize the device to Da Costa to use any type of fluid to fill the chamber or interior of tank 1, if desired. The actuator is also readable on the cam 14.

#### ***Allowable Subject Matter***

Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George L. Walton whose telephone number is 703-308-2596. The

examiner can normally be reached on M-F, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 703-308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-746-4603.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "George L. Walton". The signature is stylized with a large initial "G" and a long horizontal stroke extending to the right.

George L. Walton  
Primary Examiner  
Art Unit 3753

GLW